

**MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING
MONDAY, JANUARY 8, 2007**

**DEPARTMENT OF GAME AND INLAND FISHERIES
BOARD ROOM
4010 WEST BROAD STREET
RICHMOND, VIRGINIA**

Board Members Attending:

Hunter H. McGuire, III, Chairman
Donald L. Williams
N. Howard Burns, Jr.

Clarence M. Dunnaville, Jr.
Eric K. Sildon
Brenda P. Robinson

Board Members Absent:

Robert G. Crockett, Vice-Chairman

Department of Environmental Quality:

David K. Paylor, Director
Cindy M. Berndt

Attorney General's Office:

Catherina F. Hutchins, Assistant Attorney General

The meeting was convened at 9:30 a.m. and adjourned at 12:00 p.m.

Minute No. 1 - Minutes: The Board unanimously approved the minutes from the meeting on May 22, 2006.

Minute No. 2 – Mercury Switch Regulations - 9 VAC 20–200 *et seq.* - Final Regulations:

Mr. Steven Frazier presented final regulations governing the removal of mercury switches from end-of-life motor vehicles prior to their demolition. Mr. Frazier explained that this is a new regulation establishing criteria and standards for vehicle demolishers managing mercury switches from end-of-life vehicles. Mr. Frazier advised the Board that the staff had consulted with the Department of Motor Vehicles and industry representatives during 5 stakeholder committee meetings to develop and issue guidelines and regulations concerning the criteria and standards for removal of mercury switches. Mr. Frazier detailed the substantive provisions of the regulations and responded to questions from the Board.

Based on the Board book material, staff presentation and Board discussion, the Board unanimously adopted the regulation as an exempt final regulation and authorized publication in the Virginia Register of Regulations.

Minute No. 3 – Transportation of Hazardous Materials, 9 VAC 20-110 – Immediate Final Regulations 2006. Mr. Robert G. Wickline presented an immediate final rule to amend the Transportation of Hazardous Materials regulations to conform the regulations to federal regulations through September 30, 2006. In addition, the amendments would delete the note in 9 VAC 20-110-90 B concerning statutory penalties for violation of the Board’s regulations based on changes to state statute.

The Board, based on the Board book material, staff presentation and Board discussion, unanimously adopted the amendments as an exempt final regulation and authorized publication in the Virginia Register of Regulations.

Minute No. 4 – Solid Waste Management Regulations - Proposed Amendment 5, 9 VAC 20-80 *et seq.* Mr. Allen Brockman presented proposed amendments to the Solid Waste Management Regulations. Specifically Mr. Brockman advised the Board that the Department was recommending (1) streamlining public participation requirements by deleting automatic public hearings for certain permit or amendment issuance processes; (2) addressing plans and actions related to the management of landfill gas and odors; (3) clarifying the closure definition and procedure with particular reference to Code Section §10.1-1413.2 landfills; (4) providing an option for facilities to apply for research, development, and demonstration plans under a new program promulgated by USEPA; (5) broadening the definition of “airport” to include military airfields and to ensure adequate review and turnaround time frames for Part A solid waste permit applications; and (6) incorporating citations referencing two new statutory provisions for (a) a landfill location that is protective with respect to water supplies and wetlands and (b) certification of permit application consistency with local government waste management plans.

Based on the Board book material, staff presentation and Board discussion, the Board unanimously adopted the amendments as proposed regulations and authorized publication of the proposed amendments in the Virginia Register of Regulations.

Minute No. 5 – Public Forum: There were no speakers at the public forum.

Minute No. 6 – Division Director’s Report: The Board received a report from Ms. Karen J. Sismour on some of the high priority activities of the Division and a report on the Voluntary Remediation Program from Mr. Chris M. Evans.

Minute No. 7 – Recycling Report: The Board received a report from Mr. G. Stephen Coe on recycling. Mr. Coe reviewed legislative history, annual recycling rates, the Department’s numerous outreach activities, the regulations and the grant program. In addition, Mr. Tom Smith, Chair of the Recycling Markets Development Council and Mr. Barry Matthews, Waste Resource Recovery Manager for Chesterfield County, also appeared.

The Board asked that the staff and the Council provide routine updates to the Board on discussions of waste diversion versus recycling.

Minute No. 8 – Landfill Closure Financial Set-Aside: Mr. Williams asked that the staff review the financial assurance requirements for solid waste facilities to ensure that the closure

costs estimates were in line with actual closure costs to ensure that owners of solid waste facilities were adequately planning for the cost of closing a solid waste disposal facility.

Minute No. 9 – Future Meetings: No date for a future meeting was set. The joint meeting on April 10, 2007, in Lexington was confirmed.

Cindy M. Berndt